

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 08-10649-RWZ

SECURITIES AND EXCHANGE COMMISSION

v.

DAVID K. DONOVAN, JR.,  
and DAVID R. HINKLE

JUDGMENT  
December 2, 2009

ZOBEL, District Judge.

The United States Securities and Exchange Commission ("SEC") having filed a Complaint and defendants David K. Donovan ("Donovan") and David R. Hinkle ("Hinkle") having answered the Complaint; a jury trial having been held and the jury having found unanimously that:

1. Donovan knowingly violated Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 promulgated thereunder by giving nonpublic information to Concetta Donovan,
2. Donovan did not knowingly give nonpublic information to Hinkle and thus did not violate the Exchange Act and Rule with respect to any communications to Hinkle, and
3. Hinkle did not knowingly receive nonpublic information from Donovan and thus did not violate the Exchange Act and Rule,

the court finds Donovan liable for violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder with respect to the jury's finding set forth in paragraph 1 above and not liable with respect to the jury's finding set forth in paragraph 2; and, based on the jury's verdict, the court further finds Hinkle not liable.

Accordingly, it is ORDERED AND ADJUDGED:

1. Donovan shall pay to the SEC the amount of \$89,775.00 which represents disgorgement of the profit made by Concetta Donovan.
2. That judgment is hereby entered for Donovan with respect to the alleged violation based on communications with Hinkle, and
3. That judgment is hereby entered for Hinkle.

December 2, 2009

DATE

/s/Rya W. Zobel

RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE